FISH & NEAVE

1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020
TELEPHONE: (212) 596-9000
TELEX: 14-8367
CABLE ADDRESS: FISHNEAVE
TELECOPIER: (212) 596-9090

525 UNIVERSITY AVENUE
PALO ALTO, CALIFORNIA 94301
TELEPHONE: (415) 617-4000
TELECOPIER: (415) 617-4090

CHARLES B. SMITH
DAVID W. PLANT
ALBERT E. FEY
JOHN O. TRAMONTINE
HERBERT F. SCHWARTZ
LARS I. KULLESEID
WILLIAM J. GILBRETH
ERIC C. WOGLOM
JOHN E. NATHAN
ROBERT C. MORGAN
KENNETH B. HERMAN
EDWARD F. MULLOWNEY
ROBERT R. JACKSON
JESSE J. JENNER
W. EDWARD BAILEY
DAVID J. LEE
PATRICIA A. MARTONE
JAMES F. HALEY, JR.
RICHARD M. BARNES
LAURENCE S. ROGERS
THOMAS L. GIANNETTI
VINCENT N. PALLADINO
ROBERT J. GOLDMAN
THOMAS L. SECREST
DANIEL M. GANTT
NORMAN H. BEAMER
KEVIN J. CULLIGAN
GLENN A. OUSTERHOUT
SUSAN PROGOFF
MARGARET A. PIERRI
RON E. SHULMAN
DOUGLAS J. GILBERT
DENISE L. LORING
JEFFREY H. INGERMAN
MARK H. BLOOMBERG

FREDERICK P. FISH
1855-1930
CHARLES NEAVE
1867-1937

A. PETER ADLER
RICHARD A. INZ
LISA E. CRISTAL
ALAN D. SMITH
DAVID C. PLACHE
JANE A. MASSARO
DUANE-DAVID HOUGH
MITCHELL P. BROOK
EDWARD J. DeFRANCO
MARK D. ROWLAND
PHILIPPE Y. RIESEN
MARK D. ENGELMANN
ERIC R. HUSBARD
DAVID A. LOEWENSTEIN
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KELSEY I. NIX
TERRENCE J.P. KEARNEY
MARTA E. GROSS
JOHN M. HINTZ
JOHN R. STORELLA
WILLIAM J. McCABE
VICKI S. VEENKER
LESLIE A. McDONELL
CHRISTOPHER P. GODZIELA
KRISTIN H. NEUMAN
KAREN T. JUDLOWE
ANDREW S. MARKS
NICOLA A. PISANO
DONALD K. REEDY
GABRIELLE E. HIGGINS
DONALD L. RHOADS
BRENDA J. PANICHI
JEREMY LACK
THOMAS J. VETTER
C. JOSEPH LAUGHON, II
EVAN M. GSELL
JAMES P. BERGIN
IVOR R. ELRIFI
RONALD A. KRASNOW
JEFFREY M. HERSH
LIANNA C. KALMAR
BRADFORD L. FRIEDMAN
DEBRA A. BONTEMPO
LORETTA A. MIRAGLIA
MOREY B. WILDES
MICHELE A. FARBER
CHRISTOPHER J. HARNETT
DAVID M. O'NEILL
MARIE H. MacNICHOL
ALISON JOY ARNOLD
DAVID C. RADULESCU
ERIC N. HOOVER
PHILIP Y. DAHL
LYDIA T. McNALLY
WILLIAM H. STEINMETZ
KEITH T. TAKEDA
WALTER F. FASSE
KATHRYN F. REYBURN
ELIZABETH C. SCHULER
ELIZABETH SHIELDKRET
KAREN J. CHOI
ANNE M. BRITT
STEVEN CHERNY
ADAM T. BERNSTEIN
SARA B. GOLDSTEIN

February 16, 1993

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Charles E.B. Glenn, Esq.
Philip Morris Management Corp.
Law Dept. - Patent Section
P.O. Box 26583
Richmond, VA 23261-6583

PM-1414 (Fractionated Plant Extracts)
Serial No. 07/789,979

Dear Charles:

Enclosed is a copy of a final Examiner's Action issued by the Patent Office on January 28, 1993 in connection with this case. A Response is due on April 28, 1993, and the application must be allowed, or an appeal or continuation filed by July 28, 1993 to prevent abandonment.

In summary, two of the independent claims are allowed (claims 7 and 61) and two are rejected (claims 1 and 62). More particularly, claims 1, 4, 5, 10, 11, 21, 24, 33, 34, 54, 55, 62 and 63 are finally rejected under § 102(b) as being anticipated by a newly-cited U.S. patent (Tsay et al. Pat. No. 4,716,120). Claims 12-15, 17-20, 22, 23, 25-29, 35, 36, 40-47 and 49-52 are finally rejected under § 103 as being unpatentable over Tsay et al. Product claim 48 was provisionally withdrawn from consideration per your telephonic instructions. The remaining claims 2, 3, 6-9, 16, 30-32, 37-39, 53, 56-61 and 64 either have been allowed, or will be allowed if rewritten in a manner suggested by the Examiner.

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I left message w F/N saying ltr is file by 3-28

Source: https://www.industrydocuments.ucsf.edu/docs/rzhj0000

FISH & NEAVE

TO Charles E.B. Glenn, Esq.

FOLIO 2

I have reviewed the cited Tsay et al. patent in light of the Examiner's Action, and by copy of this letter to Wynn Raymond am asking him to do the same. At your earliest convenience, can you and Wynn please call me to discuss the course of action for this case. In the meantime, you may want to consider whether features similar to those specified in dependant claims 30 or 64 would be acceptable for incorporation into independent claims 1 and 62.

With best regards.

Sincerely,

David

David C. Radulescu

DCR:dmv
Encs.

cc: Wynn R. Raymond (via telecopier - w/encs.)

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